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William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

December 30, 1994

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DEC 30 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: PR Docket No. 94-105 (State of California)
PR Docket No. 94-108 (State of New York)

Dear Mr. Caton:

Mobile Telecommunication Technologies Corp. ("Mtel") has opposed the state petitions in both of the referenced proceedings. In its opposition, Mtel explained that neither petition provided any support for the continued regulation of any CMRS other than cellular. Subsequently, via informal communications between Mtel and counsel for the states of California and New York, Mtel proposed to withdraw its opposition pleadings in the event that California and New York would confirm that their interest in retaining CMRS regulation is limited to cellular.

Recently, counsel for both California and New York have graciously responded to Mtel's proposal by confirming that their petitions were not intended to retain rate or entry authority over narrowband PCS service or paging service. Copies of correspondence from each of the states to that effect are enclosed.

In view of the above, Mtel hereby withdraws its opposition, and all associated pleadings, in the referenced proceedings.

Respectfully submitted,

MOBILE TELECOMMUNICATION
TECHNOLOGIES CORP.

By:

Thomas Gutierrez
Its Attorney

Enclosures

cc: Ellen S. LeVine, Esq.
William J. Cowan, Esq.
Michael Wack, Esq.

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PUBLIC UTILITIES COMMISSION

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December 8, 1994

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Thomas Gutierrez
Lukas, McGown, Nace & Gutierrez
1111 Nineteenth Street, N.W.
Suite 1200
Washington, D.C. 20036

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Mr. Gutierrez:

Re: Petition of the People of the State of California,
PR Docket No. 94-105

This letter is in response to your letter of December 6, 1994 in which you asked the California Public Utilities Commission ("CPUC") to confirm that, in its Petition to Retain Regulatory Authority Over Intrastate Cellular Service Rates, filed with the Federal Communications Commission in the above-referenced docket, the CPUC was not seeking to retain rate or entry authority over narrow band PCS service or paging service.

This letter provides such confirmation. By its petition, the CPUC is simply seeking to retain authority over rates for cellular services provided in California because cellular markets within California are not yet effectively competitive.

Very truly yours,

A handwritten signature in cursive script that reads 'Ellen S. Levine'.

Ellen S. Levine
Principal Counsel

ESL:jmc

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

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December 21, 1994

Messrs. Thomas Gutierrez
and J. Justin McClure
Lukas, McGowan, Nace & Gutierrez
1111 Nineteenth Street, N.W.
Suite 1200
Washington, D.C. 20036

RE: Petition of the New York Public Service Commission to
Extend Rate Regulation of Commercial Mobile Radio
Service Providers Operating in New York - PR Docket No.
94-108

Dear Messrs. Gutierrez and McClure:

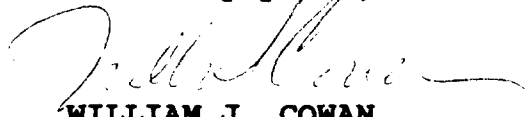
I am in receipt of your December 6 letter requesting that the New York Public Service Commission confirm that it does not seek rate and entry regulation over paging or narrowband PCS; in exchange, you propose to withdraw your client's pleadings in opposition to the New York Petition currently before the Federal Communications Commission.

Attached is a copy of the New York Petition to Extend Rate Regulation and the Reply to the Opposition in which New York seeks to continue rate regulation only of cellular carriers. On page 1 of the Reply to the Opposition, we specifically state that under New York Public Service Law, New York does not currently regulate one-way paging or two-way mobile telephone service with the exception of the service provided by means of cellular radio communication. (See NYPSL §5.3.) In view of New York's request to continue regulating only cellular carriers, your opposition regarding paging appears unnecessary.

Messrs. Gutierrez and McClure
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December 21, 1994

Furthermore, in the event that PCS or any other technology comes under the New York Public Service Law, the Commission will consider whether to seek continued regulatory authority, pursuant to the Budget Reconciliation Act of 1993. If I can be of further assistance, please contact me.

Sincerely yours,



WILLIAM J. COWAN
General Counsel

Att.

WJC:dja/loewen/gutierrez